

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
FINAL MINUTES  
September 14, 2016  
REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Chairman Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated that there were two Rezoning Dockets and one Special Use Docket on the agenda. Chairman Greene explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Chairman Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; six Commissioners (Jim Martzke, Gary Brauchla, Wayne Gregan, Patrick Greene, Nathan Watkins, and Pat Edie) indicated their presence. Staff members present included; Paul Esparza, Planning Director; Karen Lamberton, Transportation Planner; Britt Hanson, Chief Deputy County Attorney; and Peter Gardner, Planner I.

**APPROVAL OF THE MINUTES**

**Motion:** Approve minutes of the August 10, 2016 meeting **Action:** Approve

**Moved by:** Mr. Gregan **Seconded by:** Mr. Martzke

**Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain =1)

**Yes:** Mr. Martzke, Mr. Gregan, Mr. Greene, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** Mr. Brauchla

**CALL TO THE PUBLIC:**

Mr. Jack Cook of Bisbee spoke on matters of personal concern.

**NEW BUSINESS**

**Item 1 PUBLIC HEARING Z-16-03 (Oldfield)**

A request to approve a Rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per 4 acres). The subject parcels are 10.51 acres in size. The request is to facilitate the use of the Owner-Builder Opt-Out Amendment. The Applicants are Daniel and Jo Oldfield.

Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the docket explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staffs' analysis of the request. He noted support and

opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Mr. Greene opened the Public Hearing, and Mr. Gardner noted that the Applicant was not present. Mr. Gregan made a motion to table the item until later in the meeting, pending the Applicant's arrival. Ms. Edie seconded, and the motion passed unanimously.

After the second item, the Applicant arrived, and the item was removed from the table. Mr. Greene opened the public hearing.

Mr. Daniel Oldfield of Bisbee spoke, explaining the reasons for his request.

There being no further speakers, Mr. Greene closed the public hearing and called for Commission Discussion.

There being no further discussion, Chairman Greene called for a motion. Mr. Watkins made a motion to forward the docket to the Board with a recommendation of approval with the Conditions as recommended by Staff. Ms. Edie seconded the motion. Mr. Greene asked for discussion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 6-0.

**Motion:** Motioned to forward the docket to the Board with a recommendation of approval as recommended by Staff. .

**Moved by:** Mr. Watkins **Seconded by:** Ms. Edie

**Vote:** Motion passed (**Summary:** Yes = 6, No =0, Abstain =0)

**Yes:** Mr. Martzke, Mr. Brauchla, Mr. Gregan, Mr. Greene, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** 0

**Item 2 PUBLIC HEARING Docket Z-16-02 (Kerr)**

The Applicant is requesting a Rezoning from RU-4 (Rural; one dwelling per 4 acres) to RU-2 (Rural; one dwelling per 2 acres). The subject parcel is 10.11 acres in size. The request is to facilitate dividing the parcel into five 2-acre parcels. The Applicant is Scott Kerr.

Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the docket explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staffs' analysis of the request. He noted support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission. Transportation Planner Karen Lamberton then spoke, explaining the road and access issues in greater detail.

Mr. Greene opened the Public Hearing, noted that the Applicant was present.

Mr. Scott Kerr of Elgin spoke, explaining the background of his request.

There being no further speakers, Mr. Greene closed the public hearing and called for Commission Discussion. Mr. Gregan asked if the letter provided by Staff was to be included as the new Condition #3. Mr. Greene asked the Applicant how close the lawsuit was to

settlement. Mr. Kerr stated that the suit was settled, and the final documentation was being finalized with the County. There being no further discussion, Chairman Greene called for a motion. Mr. Gregan made a motion to forward the docket to the Board with a recommendation of approval with the Conditions as recommended by Staff. Mr. Martzke seconded the motion. Mr. Greene asked for discussion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 6-0.

**Motion:** Approve the docket as recommended by Staff, with a modified Condition #3.

**Moved by:** Mr. Gregan **Seconded by:** Mr. Martzke

**Vote:** Motion passed (**Summary:** Yes = 6, No =0, Abstain =0)

**Yes:** Mr. Martzke, Mr. Brauchla, Mr. Gregan, Mr. Greene, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** 0

**Item 3 PUBLIC HEARING Docket SU-16-14 (Brant)**

The Applicant is requesting a Special Use authorization for dog breeding in a Rural (RU-4) zoning district. The Applicant is proposing to relocate an existing pug breeding operation to the location. The Applicant is Kimberly Brant.

Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the docket explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staffs' analysis of the request. He noted support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Mr. Greene opened the Public Hearing, noted that the Applicant was present, and invited her to speak.

Ms. Kimberly Brant of Hawley, Massachusetts spoke, explaining the nature of her operation, and why she chose the subject site.

Ms. Christie Nicole Aabye of Cochise spoke, noting that she and her family had just moved in next-door and expressing concerns about noise, odors, and pests.

Ms. Brant addressed Ms. Aabye's concerns, explaining how the dogs being inside mitigates these issues, and invited Ms. Aabye to visit them any time. She noted that in twelve years at their present location there had been no such issues.

There being no further speakers, Mr. Green closed the public hearing and called for Commission Discussion. Mr. Watkins asked if the approval would be breed specific. Mr. Gardner stated that the proposed conditions were not written that way, but the Commission could impose such a Condition. Ms. Brant stated that she was comfortable with such a Condition. Mr. Brauchla asked about limits on the number of animals. Staff explained that the regulations did not have a specified number, but that the Commission could impose such a Condition. Mr. Greene expressed concern about the definition of Puppy Mill, since he could not locate any legal definition of one. Mr. Hanson clarified the new state law, and how it preempts County regulations. Mr. Greene asked Ms. Brant about scope and numbers of dogs, including the gender breakdown, and litter size. Ms. Brant explained the numbers and operations, and accepted a Condition limiting the number of breeding females to 24. There being no further

discussion, Chairman Greene called for a motion. Mr. Martzke made a motion to approve docket SU-16-14 with the conditions and modifications as recommended by Staff, adding a condition limiting the use to Pug Dogs, and no more than 24 breeding females at one time. Ms. Edie seconded the motion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 6-0.

**Motion:** Approve the docket as recommended by Staff, with additional condition limiting the use to Pug Dogs only and no more than 24 breeding females at any time.

**Moved by:** Mr. Martzke **Seconded by:** Ms. Edie

**Vote:** Motion passed (**Summary:** Yes = 6, No =0, Abstain =0)

**Yes:** Mr. Martzke, Mr. Brauchla, Mr. Gregan, Mr. Greene, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** 0

**1. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**

**Next P&Z Commission meeting  
October 12, 2016**

- a. SU-16-15 (Foreman) request for Guest Lodging in Cascabel
- b. SU-16-16 (Johnston) request for RV Park in Whetstone

**CALL TO COMMISSIONERS ON RECENT MATTERS:**

None

**ADJOURNMENT** – Mr. Greene noted that there was no more business, and the meeting was adjourned at 5:35 pm.